

HOUSE BILL 73
By Casada

AN ACT to amend Tennessee Code Annotated, Title 29
and Title 39, Chapter 17, Part 1, relative to
traveling on closed roads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-108, is amended by adding
the following as a new subsection:

(e) In additional to any penalties incurred under subsection (c), any
person:

(1) convicted of this offense under (b)(3), (4) or (5); and

(2) who was rescued by officials from the municipality, county or state
shall also be responsible for the actual costs incurred by the municipality, county
or state in rescuing such person. Such costs may include labor, vehicle usage
and any equipment used during the rescue.

SECTION 2. Tennessee Code Annotated, Title 29, is amended by adding the following
as a new, appropriately designated section:

(a) Any county or municipality shall have the right to recover damages against
any person who needed to be rescued due to driving around or through any barricade or
fence on any officially closed highway or road of this state; or driving around such detour
sign or barricade or fence; or ignoring or disregarding a warning sign before such road
had been officially opened to public traffic, whether or not such person was charged with
an offense under § 39-17-108.

(b) It shall be prima facie evidence that such person's negligence caused such
person to be rescued if such person was convicted under § 39-17-108(b)(3),(4) or (5).

SECTION 3 . This act shall take effect July 1, 2005, the public welfare requiring it.